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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/518,264	03/03/2000	Seiji Kozaki	1163-0266P	7506

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EXAMINER

JONES, PRENELL P

ART UNIT	PAPER NUMBER
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2667

DATE MAILED: 06/15/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/518,264

**Applicant(s)**

KOZAKI ET AL.

**Examiner**

Prenell P Jones

**Art Unit**

2667

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 3/19/2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-23 is/are allowed.
- 6) ☐ Claim(s) 24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Response to Arguments***

1. Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tyrrell et al in view of Dendi et al.

Regarding claim 24, Tyrrell discloses an optical transmission system that includes an architecture that includes SONET network and T1 network, (col. 10, line 22-28) incorporating frame synchronization circuitry, (col. 36, line 61-67) plurality tributary signals and associated

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addressing scheme which includes channel numbers associated with tributary, (col. 49, line 50 thru col. 50, line 57) SONET system consist of a plurality of tributaries (col. 56, line 27-36) overhead/section overhead that is extracted, (col. 79, line 38-55, Table 9) encoding of address to channel number (col. 80, line 27-36) filter out section overhead bytes, (col. 166, line 53 thru col. 36) extracting overhead, (col. 168, line 24-37) encoding signals. Tyrrell is silent on implementing frame synchronization without including section overhead. In analogous art, Dendi discloses (Abstract, Fig. 9, a communication system in association with a telecom network, whereby the architecture includes a SONET and T1 for digital transport, multiplexing multiple signals, data is received via series of T1 trunks, optical (SONET) bus wherein the overhead and stuff bits are not required, in each frame bytes normally used for overhead/stuff bits are used as cells carrying channel data which makes the processor less intensive. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to implement signals without overhead information as taught by Dendi with the teachings of Tyrrell optical transmission system for the purpose of reducing processor work load because Tyrrell actually extracts/filters the overhead out.

***Allowable Subject Matter***

1. Claims 1-23 are allowed over prior art.
6. The following is a statement of reasons for the indication of allowable subject matter:

Although the cited art discloses multiplexing scheme that includes multiplexing plurality tributary signals that includes section terminating circuits, section overhead that is terminated wherein the section terminating circuit removes section overhead, multiplexers/demultiplexers, each path associated with its own individual identification code, multiplexing/demultiplexing multiple tributary streams/signals in a SDH/SONET architecture, frame synchronization,

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extracting clock/section overhead for maintaining synchronization, multiplexing plurality of tributary signals associated with a main data stream (main line signal/main signal path), guard intervals between tributary lines/tributary circuits, outgoing/incoming tributary signal streams, framer detects the unique identification word pattern of each tributary signal, they fail to teach/suggest a plurality of receiving tributary circuits installed as many as the number of tributary signals multiplexed onto multiplex signal for supplying the downstream transmission paths with the tributary signals output from the demultiplexer, at least one of the receiving side tributary circuits detecting its frame information and making a decision on its identification code in response to the frame information detected, code phase difference decision circuit for comparing the identification code extracted by code extraction circuit with a predetermined identification code assigned to at least one of plurality of receiving tributary circuits to output a difference result, and switching performed by each unit of tributary signals in the multiplex signal in response to a decision result of at least one of plurality of tributary circuits.

### ***Conclusion***

2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prenell P. Jones whose telephone number is 703-305-0630. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 703-305-4378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Prenell P. Jones

June 08, 2004

  
CHI PHAM  
SUPERVISORY PATENT EXAMINER  
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6/28/04